
FAYETTE COUNTY PLANNING & ZONING DEPARTMENT

140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia 30214

Fax: 770-305-5305 or 5258

E-Mail: www.fayettecountyga.gov

Pete Frisina, Director of Community Development 770-305-5160

Dennis Dutton, Zoning Administrator 770-305-5161

Robyn Wilson, Zoning Coordinator 770-305-5162

**APPLICATION TO
THE ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS MEMBERS*

Larry Blanks
Vic Bolton
Bill Beckwith
Brian Haren
Scott Gilbert

COPIES OF ORDINANCES

| | |
|--------------------------------|---------------|
| Zoning Ordinance | \$5.00 |
| Sign Ordinance | \$3.00 |
| Development Regulations | \$3.00 |
| Subdivision Regulations | \$3.00 |

*(ZBA Members reside in Fayette County and are appointed by the Board of Commissioners)

Application requests require a public hearing by the Zoning Board of Appeals (held on the 4th Monday of every month). Application forms must be submitted to the Zoning Administrator by noon on the deadline day. The application deadline is the third Friday of the month prior to the month of the public hearing. The Public hearing is held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of Hwy 54 and GA 85 in downtown Fayetteville) First Floor in the Public Meeting Room (near the fountain) and begins at 7:00 p.m.

Note: Applications must be filed by the subject property owners or by the authorized agent of the property owners.

APPLICATION FILING FEES

Application Filing Fee: **\$175.00** (plus \$25 for each additional variance requested)

Sign Deposit Fee: **\$20.00** per sign A public hearing notification sign is required for each road frontage. The sign deposit of \$20.00 per sign shall be requisitioned for reimbursement to the applicant upon their returning the sign frame(s) to the Zoning Department within five (5) working days following the public hearing.

The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County. Application filing fees may be refunded ONLY when an application request is withdrawn by applicant PRIOR TO placement of legal advertisement for said public hearing request).

HEARING SCHEDULE FOR 2010-2011 ZONING BOARD OF APPEALS APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a new hearing date will be announced)

APPLICATION DEADLINE (3rd Friday by noon)
(No extensions of deadline are permitted)

HEARING DATE (4th Monday)

submit by . . . November 20, 2009 to be heard by December 28, 2009

December 18

January 26, 2009

January 15, 2010

February 22

February 19

March 22

March 19

April 26

April 16

May 24

May 21

June 28

June 18

July 26

July 16

August 23

August 20

September 27

September 17

October 25

October 15

November 22

November 19

December 27

December 17

January 24, 2011

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

- _____ A. Application form and all required attachments, completed, signed, and notarized (if applicable).
- _____ B. Copy of latest recorded Warranty Deed, including legal description of the boundaries of the subject property, including total acreage.
- _____ C. Fifteen (15) copies of the Plat of property, drawn to scale with accurate dimensions, with the following indicated:
 - _____ 1. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential, non-residential), floor area, building height, and accessory uses. Structures to be removed must be indicated and labeled as such unless demolition or removal will occur prior to applying for a building permit.
 - _____ 2. Minimum setbacks from all property lines of subject property required in the zoning district.
 - _____ 3. Location and dimensions of exits/entrances to the subject property.
 - _____ 4. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of right-of-way, type and width of existing and proposed easements and centerline of streets.
 - _____ 5. Location of well or water lines.
 - _____ 6. Existing septic tank and drainfield location, and replacement area.
 - _____ 7. Approximate location and elevation of the 100-year flood plain (if applicable).
 - _____ 8. On-site stormwater facilities to include detention or retention facilities.
 - _____ 9. Parking locations, approximate number of parking spaces, area for parking bay and aisle dimensions.

_____ 10. Landscaped areas and buffers or tree save areas, to include width, general extent and type of materials.

_____ D. Application filing fee.

APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

PROPERTY LOCATION: LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: _____

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: _____

PROPOSED USE OF SUBJECT PROPERTY: _____

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** _____

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from _____ a check in the amount of \$ _____

for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property:

Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) _____ of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of **(my) (our)** knowledge and belief. Further, **(I) (We)** understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. **(I) (We)** understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. **(I) (We)** further acknowledge that additional information may be required by Fayette County in order to process this application.

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

Per Article IX of the Fayette County Zoning Ordinance, the Zoning Board of Appeals may hear requests for any of the following. *Please check [/] which application type you are requesting in the box below:*

- [] 1) Appeals from the Actions of the Zoning Administrator: Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, an appeal shall lie with the Zoning Board of Appeals. Appeals must be made within 30 days from the date of notification of decision by Zoning Administrator.
- [] 2) Request for a Variance: A variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the regulation shall be observed, public safety and welfare secured, and substantial justice done.
- [] 3) Request for a Change of the Nonconforming Use of a Structure: Nonconforming uses of structures include structures used, at the time of passage of this Ordinance (11/13/1980), for purposes not permitted in the zoning district in which they are located.

A nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.

A nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

- [] 4) Request for Extension or Enlargement of the Nonconforming Use of a Structure: An extension of an existing nonconforming use upon a finding by the Board that (1) the use is a nonconformance as defined in the regulations, (2) the use is in full compliance with all requirements of the regulations applicable to nonconformances, and (3) the extension of said use will not further injure a permitted use on adjacent property in the same zoning district.

If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended, provided that the minimum requirements for height, floor area, and yards and any other applicable requirements are met.

- [] 5) Request for Continuance of Nonconformance: The Board may allow a nonconformance to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Board that: (1) the design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the nonconformance is situated; (2) undue hardship to the property owner would result in not allowing the continuance of a nonconformance; (3) adjacent property would not be unduly damaged by such continuance; and (4) the use is to be identical to the prior nonconformance.

*Where an application to the Board is initiated due to an **existing violation** of the Zoning Ordinance and said application is DENIED by the Zoning Board of Appeals, the violation shall be required to be **corrected within TEN (10) days** of such denial or as specified by the Board if a greater time period is necessary. The maximum extension of the time can not exceed 30 days.*

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If there are more than three (3) variances requested, please provide the information on a separate sheet of paper.

| Ordinance/Section | Requirement | Proposed | Variance Amount |
|-------------------|-------------|----------|-----------------|
| | | | |
| | | | |
| | | | |

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

[illegible]

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 9-2.B. states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all six (6) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

3. Such conditions are peculiar to the particular piece of property involved.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

6. Provided that the Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for issuance of variance.

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS

| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | MINIMUM HOUSE SIZE | LOT WIDTH AT BUILDING LINE | MAXIMUM HEIGHT |
|--|--|------------------|--------------------|---|--|
| A-R Agricultural-Residential (Single-Family) | Front - 100' Arterial Front - 100' Collector Front - 75' Local Side - 50' Rear - 75' | 5 Acres | 1,200 square feet | 250' | 35 feet Farm Outbuildings See 6-1., D., 7., b. |
| EST Estate Residential District (Single-Family) | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 2.5 Acres | 2,500 square feet | 160' | 35 feet |
| R-85 Single-Family Residential | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 3 Acres | 3,000 square feet | 125' | 35 feet |
| R-80 Single-Family Residential | Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 30' Rear - 50' | 3 Acres | 2,500 square feet | 175' | 35 feet |
| R-78 Single-Family Residential | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 2 Acres | 3,000 square feet | 125' | 35 feet |
| R-75 Single-Family Residential | Front- 100' Arterial Front- 75' Collector Front- 50' Local Side- 25' Rear- 50' | 2 Acres | 2,500 square feet | 125' | 35 feet |
| R-72 Single-Family Residential | Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 2 Acres | 2,100 square feet | 175' Arterial 175' Collector 150' Minor | 35 feet |
| R-70 Single-Family Residential | Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 2 Acres | 1,500 square feet | 175' Arterial 175' Collector 150' Minor | 35 feet |

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS

| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | MINIMUM HOUSE SIZE | LOT WIDTH AT BUILDING LINE | MAXIMUM HEIGHT |
|--|---|------------------------|---|---|----------------|
| R-55 Single-Family Residential | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50' | 1 Acre* 1.5 Acres** | 2,500 square feet | 150' | 35 feet |
| R-50 Single-Family Residential | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30' | 1 Acre* 1.5 Acres** | 2,100 square feet | 150' Arterial 150' Collector 125' Minor | 35 feet |
| R-45 Single-Family Residential | Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 20' Rear - 40' | 1 Acre* 1.5 Acres** | 1,800 square feet | 125' | 35 feet |
| R-40 Single-Family Residential | Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30' | 1 Acre* 1.5 Acres** | 1,500 square feet | 150' Arterial 150' Collector 125' Minor | 35 feet |
| R-20 Single-Family Residential | Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30' | 1 Acre* 1.5 Acres** | 1,200 square feet | 150' Arterial 150' Collector 125' Minor | 35 feet |
| C-S Single-Family Residential | Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30' | 1 Acre* 1.5 Acres** | 2,100 square feet | 150' Arterial 150' Collector 125' Minor | 35 feet |
| DR-15 One and Two Family Residential | Front - 50' Arterial Front - 45' Collector Front - 40' Local Side - 10' Rear - 30' | 1 Acre* 1.5 Acres** | 1,200 square feet Single-Family 1,800 square feet Two-Family | 125' Arterial 125' Collector 100' Minor | 35 feet |

| FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS | | | | | |
|--|--|--|--|--|----------------|
| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | MINIMUM HOUSE SIZE | LOT WIDTH AT BUILDING LINE | MAXIMUM HEIGHT |
| R-M-F Multi-Family Residential | Peripheral Front -150' State-number route Front -100' Arterial Front - 80' Collector Front - 60' Local Side - 40' Rear - 40' Minimum 50' building separation | 5 Acres Minimum Site Maximum Density 5 Dwelling Units/ Acre 160 Maximum Units | 600 square feet One Bedroom 850 square feet Two Bedrooms 1,200 square feet Three Bedrooms | N/A But Minimum 50' Immediate Frontage On Arterial 40% Maximum Lot Coverage | 35 feet |
| M-H-P Manufactured Home Park | Front - 15' Side - 4' Rear - 4' | 10 Acres Total Site 6,000 square feet per lot | | 60' Per Lot | **** |

| FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS | | | | | |
|--|---|---|--------------------|----------------------------|----------------|
| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | MINIMUM HOUSE SIZE | LOT WIDTH AT BUILDING LINE | MAXIMUM HEIGHT |
| PUD-PRD Planned Unit Development – Planned Residential Development | Front - Varies Side - 15' Rear - 30' | 100 Contiguous Acres Maximum 4 dwelling units/acre attached Maximum 1 dwelling unit/acre unattached | | | **** |
| PUD-PIP Planned Unit Development – Planned Industrial Park | Consistent with M-1 and M-2 Front – 150’ | 10 Acres | | | 35 feet |
| PUD-PRL Planned Unit Development – Planned Retreat or Lodge | Front – 200’ Side – 100’ Rear – 100’ | 50 Acres Maximum density 1 unit per 10 acres | | | 35 feet |

| FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS | | | | | |
|---|--|-------------------------|---------------------------|-----------------------------------|--|
| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | MINIMUM HOUSE SIZE | LOT WIDTH AT BUILDING LINE | MAXIMUM HEIGHT |
| PUD-PEF Planned Unit Development – Planned Entertainment Farming | Front – 100’ 500’ from any A-R or residential zoning district | 100 Acres | | | 35 feet Farm Outbuildings See 6-1.,D., 7.,b. |
| PUD-POR Planned Unit Development – Planned Outdoor Recreation | | 50 Acres | | | 35 feet |

* Where a central water distribution system and a private septic system are provided. (County water/septic)

** Where public water system is not available. (Well/septic)

*** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)

**** Subject to Development Plan

Minimum road frontage for residential zoned lots, including A-R: 100' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial A street designated to carry traffic within and through the county. (Major thoroughfare)

Collector A street designated to collect traffic from local or other collector streets. (Major thoroughfare)

Local A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

FAYETTE COUNTY NONRESIDENTIAL ZONING DISTRICTS

| ZONING DISTRICT | ZONING SETBACKS | MINIMUM LOT SIZE | LOT WIDTH AT BUILDING LINE | BUFFER | MAXIMUM HEIGHT |
|--|---|-------------------------|----------------------------|--|----------------|
| O-I Office-Institutional | F- 75' Arterial F- 70' Collector F- 55' Minor S- 15' R- 15' | 1 Acre* 0.5 Acres*** | 125' | 30' required adjacent to residential or A-R zoning districts | 40 feet |
| C-C Community Commercial | F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15' | 1 Acre* 0.5 Acres*** | 125' | 50' required adjacent to residential or A-R zoning districts | 35 feet |
| C-H Highway Commercial | F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15' | 1 Acre* 0.5 Acres*** | 125' | 50' required adjacent to residential or A-R zoning districts | 35 feet |
| L-C Limited Commercial | F- 75' Arterial F- 60' Collector F- 55' Minor S- 15' R- 15' | 1 Acre* 1.5 Acres** | 125' | 50' required adjacent to residential or A-R zoning districts | 35 feet |
| M-1 Light Industrial | F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25' | 1 Acre* 0.5 Acres*** | 125' | 75' required adjacent to residential or A-R zoning districts | 35 feet |
| M-2 Manufacturing and Heavy Industrial | F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25' | 2 Acres | 125' | 75' required adjacent to residential or A-R zoning districts | 35 feet |

Buffer: When the rear or side yard abuts a residential or A-R zoning district, a buffer adjacent to the lot line shall be provided in addition to the required setback. The buffer is measured from the property line and the setback is measured from the buffer.

* Where a central water distribution system and a private septic system are provided. (County water/septic)

** Where public water system is not available. (Well/septic)

*** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)

Minimum road frontage for non-residential zoned lots: 125' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial A street designated to carry traffic within and through the county. (Major thoroughfare)

Collector A street designated to collect traffic from local or other collector streets. (Major thoroughfare)

Local A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

Updated 10/15/09